

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JAN 29 2008

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

LUIS FELIPE CASAS-CASTRILLON,

Petitioner - Appellant,

v.

WARDEN SAN DIEGO,
CORRECTIONAL FACILITY; et al.,

Respondents - Appellees.

No. 04-56262

D.C. No. CV-04-01046-JAH/BLM

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
John A. Houston, District Judge, Presiding

Submitted January 8, 2008**
Pasadena, California

Before: FARRIS, FISHER, and M. SMITH, Circuit Judges.

Luis Felipe Casas-Castrillon, no longer in state custody, brought a 28 U.S.C.
§ 2254 habeas corpus petition challenging his 1996 state burglary conviction. He

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

argues that the district court failed to construe his petition as a petition for a writ of error coram nobis.

Coram nobis relief is not available in federal court to attack a state court conviction. *See, e.g., Madigan v. Wells*, 224 F.2d 577, 578 n.2 (9th Cir. 1955), *cert. denied*, 351 U.S. 911 (1956); *see also Finkelstein v. Spitzer*, 455 F.3d 131, 134 (2d Cir. 2006). Had the district court construed Casas-Castrillon's habeas petition as a petition for a writ of error coram nobis, it would have had to deny the petition.

AFFIRMED.